

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY, INTERSTATE
POWER & LIGHT COMPANY, MIDAMERICAN ENERGY COMPANY,
PACIFICORP, WEC ENERGY GROUP, INC., AND WISCONSIN
POWER & LIGHT COMPANY,
Petitioner,

v.

BIRCHTECH CORP.,
Patent Owner.

IPR2025-00422 (Patent 10,668,430 B2)
IPR2025-00423 (Patent 10,668,430 B2)¹

Before KRISTINA M. KALAN, ZHENYU YANG, and
AVELYN ROSS, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motions for
Pro Hac Vice Admission of Justin T. Nemunaitis and Richard Cochrane
37 C.F.R. § 42.10(c)

¹ This Order addresses substantively identical motions filed in each of the above-captioned proceedings. We exercise our discretion to issue one Order to cover both proceedings. The parties are not authorized to use this style heading in any subsequent papers.

IPR2025-00422 (Patent 10,668,430 B2)
IPR2025-00423 (Patent 10,668,430 B2)

Patent Owner filed Motions for *pro hac vice* admission of Justin T. Nemunaitis and Richard Cochrane (Papers 11 and 12²) in each of the above--captioned proceedings. Patent Owner submitted Declarations of Justin T. Nemunaitis and Richard Cochrane (Exs. 2001 and 2002) in support of the Motions. Petitioner did not file any opposition to the Motions. For the reasons provided below, Patent Owner's Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that led counsel be a registered practitioner. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission").

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Nemunaitis and Mr. Cochrane have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. *See* Ex. 2001 ¶¶ 2–7, 10–14; Ex. 2002 ¶¶ 2–7, 10–14. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Nemunaitis and Mr. Cochrane.

² This Order cites to papers and exhibits filed in IPR2025-00422. Corresponding items were filed in IPR2025-00423.

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Mr. Nemunaitis and Mr. Cochrane will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Patent Owner filed a Power of Attorney including Mr. Nemunaitis and Mr. Cochrane in accordance with 37 C.F.R. § 42.10(b). Paper 10. Patent Owner has also filed Mandatory Notices identifying Mr. Nemunaitis and Mr. Cochrane as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 9.

Accordingly, it is

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Justin T. Nemunaitis and Richard Cochrane are *granted*;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane are authorized to act as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))³ and comply with the Board's Rules of Practice for Trials as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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